



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty First day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.1526 of 2019

IN

CRL A(MD) No.197 of 2018

ALAGU @ ALAGARSAMY,

... PETITIONER/PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MADURAI TOWN,
MADURAI CITY.
(IN CRIME.NO.9/2016)

... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed by the Learned Additional District and Sessions Judge (Mahila Court), Madurai in Spl.S.C.No.6 of 2017 dated 20.02.2018 and enlarge the petitioner / Sole Accused on bail, pending disposal of the above Criminal Appeal in Crl.A(MD) No.197/2018.

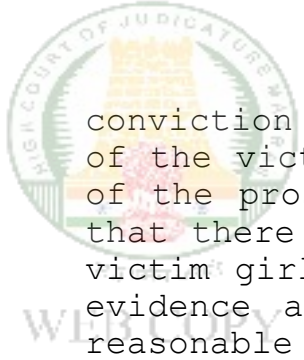
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.S.MAYA PERUMAL, Advocate for the petitioner and of Mr.A.ROBINSON, Government Advocate (Crl Side) for the Respondents the court made the following order:-

This Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner by the learned Additional District and Sessions Judge (Mahila Court), Madurai, in Spl.S.C No.6 of 2017, dated 20.02.2018 sentencing the petitioner to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of one year under Section 4 of POCSO Act.

2.According to the prosecution, one week prior to 10.06.2016 there was a temple festival at Avaniyapuram, M.M.C. Colony, Madurai. On 16.06.2016 at about 4.30 pm, the victim girl, who was studying the first standard was playing in front of the Temple. The petitioner approached her at about 05.30 pm, offering her some chocolate, sexually assaulted the 6 year old child.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel for the petitioner submitted that the



conviction of the petitioner is solely on the basis of the evidence of the victim girl and other witnesses were not supporting the case of the prosecution. In the deposition of the Doctor, it is stated that there was no injuries upon the body of the victim girl and the victim girl has deposed that she was tutored by her mother to give evidence and it is further stated that the petitioner is having reasonable ground for reconsideration of the judgment of the trial court and prays for suspension of sentence till the appeal is disposed of.

4.Per contra, the learned Government Advocate (Criminal side) appearing for the respondent submitted that the petitioner is 66 years old man and the victim child is only 6 years old and by just offering chocolate, the petitioner indulged in sexual assault with 6 years old child and the evidence of PW1, PW3 to PW5 corroborated each other and prays for dismissal of the petition.

5.This court has carefully considered the rival contentions put forward on either side and also perused the materials available on record.

6.It is seen from the records that the victim is only 6 years and while she was playing near the temple, the accused by showing chocolate, has brought the victim to Anganwadi building and made a sexual harassment and assault on the victim girl and due to the pain, the victim girl has screamed.

7.The records further reveal that on hearing the screaming sound of the victim girl, the persons who have examined as witnesses have come to the spot and rescue the victim girl. The petitioner knowing the consequence and the seriousness of the offence, has committed the crime. Hence, this court is of the considered view that the petitioner is not entitled to any relief as prayed for in this petition.

8.In the result, this petition is **dismissed**.

sd/-
21/03/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
<https://hcservices.ecourts.gov.in/hcservices/>
(MAHILA COURT), MADURAI.



2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MADURAI TOWN,
MADURAI CITY.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

PS/MMS/SAR-1/02.05.2019/3P/5C

ORDER
IN
CRL MP (MD) No.1526 of 2019
IN
CRL A (MD) No.197 of 2018
Date :21/03/2019